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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,684	01/27/2004	Joe Wilcock	4345P2752	1457

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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER

LEUNG, JENNIFER

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/765,684

Applicant(s)

WILCOCK, JOE

Examiner

Jennifer Leung

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/27/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 2/6/2007. According to the amendment, claims 1-18 are pending in the application.

Drawings

1. The drawings are objected to because in Figure 1, reference characters and letters, such as "cat 5" and "cat 5 network cable" are illegible.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 10 are objected to because of the following informalities:

Claim 1, lines 17-18: "at least one of said plurality of display monitors" should be -- said at least one display monitor --.

Claim 10, line 8: "as it is" should be -- as said roster is --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Currently amended claim 1, lines 6-7, contains the limitation "wherein said plurality of personal computers have fantasy sports drafting software loaded thereon." The specification does not support this added limitation in claim 1.

Page 5, lines 10-14 of specification specifically states that the software is located on the server. In addition, the purpose of having a server is to reduce the amount of software that needs to be loaded onto the client computers. Therefore, there is no support for this added limitation in claim 1.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by the Player Evaluation and Draft Software ("PEDS 2002")

(<http://web.archive.org/web/20021017162622/http://www.fantasyinsights.com/firstplace/peds.html>;

<http://web.archive.org/web/20021017094815/www.footballsoftware.com/screenex.html>;

<http://web.archive.org/web/20021017093325/www.footballsoftware.com/reports/reportexpeds.html>;

<http://web.archive.org/web/20021013182704/www.webleaguemanager.com/faq.html>;

the PEDS 2002 software can be found at

<http://web.archive.org/web/20021017162413/www.fantasyinsights.com/firstplace/demos.html>;

<http://web.archive.org/web/20021116083820/www.fantasyinsights.com/firstplace/peds2.html>).

Re claim 10: PEDS 2002 discloses a method for conducting a fantasy sports draft comprising the steps of: inputting of identifying information relating to teams participating in a fantasy draft (PEDS 2002 screenshot 1, reference numbers 1 and 2); inputting information regarding player selections occurring during said fantasy draft (www.footballsoftware.com/screenex.html, page 1, second bullet); generating a roster for each said team (www.footballsoftware.com/screenex.html, page 1, seventh bullet); displaying each said roster on at least one display monitor as it is being assembled so that each said roster may be simultaneously viewed by a plurality of participants in said fantasy draft during said fantasy draft (www.webleaguemanager.com/faq.html, page 4, line 2 under the last question; www.fantasyinsights.com/firstplace/peds.html, page 1, paragraph 4; www.webleaguemanager.com/faq.html, page 5, 1st full paragraph; www.fantasyinsights.com/firstplace/peds.html, page 2, bullets 1-4 under "Drafter"; www.footballsoftware.com/screenex.html, page 1, 7th bullet; www.footballsoftware.com/reports/reportexpeds.html, page 1, sentence above "Projected Fantasy Points"; www.footballsoftware.com/reports/reportexpeds.html, page 3, paragraph under "Fantasy Rosters"; www.fantasyinsights.com/firstplace/peds2.html, page 2, 1st bullet under the 1st sentence); wherein said at least one display monitor is co-located with said plurality of participants in said fantasy draft

Art Unit: 3714

(www.fantasyinsights.com/firstplace/peds.html, page 1, para. 5, lines 1-2;
www.webleaguemanager.com/faq.html, page 4, lines 1-2 under the fifth question).

Re claim 11: PEDS 2002 further discloses identifying information, which includes a team name (PEDS 2002 screenshot 1, reference number 1).

Re claim 12: PEDS 2002 further discloses identifying information, which includes a participant name (PEDS 2002 screenshot 1, reference number 2: in the specification of the current application 10/765684, page 1, lines 10-11 states that participants can be team owners.).

Re claim 13: PEDS 2002 further discloses player selections information, which includes a name and position of a player selected during said fantasy draft (PEDS 2002 screenshot 2, reference numbers 1 and 2).

Re claim 14: PEDS 2002 further discloses the step of inputting information regarding an amount spent to select a player during said draft (PEDS 2002 screenshot 3, reference number 1).

Re claim 15: PEDS 2002 further discloses the step of calculating an amount of money available to be spent by a participant in said draft (PEDS 2002 screenshot 4, reference number 1).

Re claim 16: PEDS 2002 further discloses the step of permitting at least one participant who is not co-located with said display monitors to participate in said fantasy draft (www.webleaguemanager.com/faq.html, page 5, first full paragraph, lines 1-7).

Re claim 17: PEDS 2002 further discloses the step of printing a team roster for each participating team (www.fantasyinsights.com/firstplace/peds.html, page 3, eighth bullet; www.footballsoftware.com/reports/reportexpeds.html, page 1, paragraph 2, line 4; www.footballsoftware.com/reports/reportexpeds.html, page 3, entire paragraph under "Fantasy Rosters").

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavriloff (US 6,371,855) in view of PEDS 2002.

Re claim 1: Gavriloff discloses a fantasy sports drafting system comprising, in combination: a computer server having fantasy sports drafting software loaded thereon

(2; col. 4, lines 49-51); a plurality of personal computers (1) in communication with said computer server (see Fig. 1A: the participant client computers communicate with the server via the internet); a plurality of display monitors, coupled to said personal computers (1: a display monitor is an inherent feature of a personal computer, and it is common in the art to couple the display monitor to the computer with a cable); wherein said fantasy sports drafting software permits execution of the following steps: inputting of identifying information relating to teams participating in a fantasy draft (Fig. 3, 104; col. 11, lines 23-26); inputting information regarding player selections occurring during said fantasy draft (Fig. 4; col. 3, lines 59-60; col. 11, lines 51-55); generating a roster for each said team (Fig. 5; col. 3, lines 61-62); and displaying each said roster on said display monitor (Fig. 5; col. 3, lines 61-62: a web page is displayed on a monitor so that a participant can see his or her roster).

However, Gavriloff fails to disclose a plurality of personal computers located in a single physical location, wherein said plurality of personal computers have fantasy sports drafting software loaded thereon, at least one display monitor located in said single physical location, and wherein each said roster, when displayed on said at least one display monitor, may be simultaneously viewed by a plurality of fantasy draft participants co-located at said single physical location.

PEDS 2002 teaches a plurality of personal computers located in a single physical location, wherein said plurality of personal computers have fantasy sports drafting software loaded thereon, at least one display monitor located in said single physical location (www.webleaguemanager.com/faq.html, page 4, lines 1-2 under the last

question; www.fantasyinsights.com/firstplace/peds.html, page 1, paragraph 4), and wherein each said roster, when displayed on said at least one display monitor, may be simultaneously viewed by a plurality of fantasy draft participants co-located at said single physical location (www.webleaguemanager.com/faq.html, page 5, 1st full paragraph; www.fantasyinsights.com/firstplace/peds.html, page 2, bullets 1-4 under "Drafter"; www.footballsoftware.com/screenex.html, page 1, 7th bullet; www.footballsoftware.com/reports/reportexpeds.html, page 1, sentence above "Projected Fantasy Points"; www.footballsoftware.com/reports/reportexpeds.html, page 3, paragraph under "Fantasy Rosters"; www.fantasyinsights.com/firstplace/peds2.html, page 2, 1st bullet under the 1st sentence).

Therefore, in view of PEDS 2002, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of personal computers located in a single physical location, wherein said plurality of personal computers have fantasy sports drafting software loaded thereon, at least one display monitor located in said single physical location, and wherein each said roster, when displayed on said at least one display monitor, may be simultaneously viewed by a plurality of fantasy draft participants co-located at said single physical location, in order for participants of the draft to view each roster simultaneously on at least one display in one single location as the draft progresses.

Art Unit: 3714

Re claim 2: Gavriloff further discloses a hub interposed between said computer server and said plurality of personal computers (see Fig. 1A: the internet is a hub which allows the participant client computers to communicate with the server).

Re claim 3: Gavriloff further discloses a console (1: in the current application 10/765684, the specification, page 5, lines 14-16, discloses that the console is the preferred location to input information. However, the plurality of personal computers in Gavriloff perform the same functions as the console including communicating with the server and allowing the input of information through the use of display monitors and keyboards as stated on page 5, lines 4-9 of the specification) in communication with said computer server (see Fig. 1A: the participant client computers communicate with the server via the internet).

Re claim 4: Gavriloff further discloses the console being coupled to a hub (see Fig. 1A: the internet is a hub which allows the participant client computers to communicate with the server).

Re claim 5: Gavriloff further discloses identifying information, which includes a team name (Fig. 3, 104; col. 1, line 8; col. 11, lines 23-26).

Art Unit: 3714

Re claim 6: Gavriloff further discloses identifying information, which includes a participant name (Fig. 6, 300; Fig. 7: allows entry of First and Last Names; col. 1, lines 65-67; col. 3, lines 63-64; col. 12, lines 10-16).

Re claim 7: Gavriloff further discloses player selections information, which includes a name and position of a player selected during said fantasy draft (Figs. 4 and 5).

Re claim 8: Gavriloff further discloses the fantasy sports drafting software, which permits execution of the step of inputting information regarding an amount spent to select a player during said draft (col. 5, lines 49-52; col. 5, lines 61-65; Fig. 4: the amounts listed under the "Value" column under the title "Select a Goalkeeper"; Fig. 5: the "Wam" amounts listed in parentheses next to each players name under "Manual selection of your squad").

Re claim 9: Gavriloff further discloses the fantasy sports drafting software, which permits execution of the step of calculating an amount of money available to be spent by a participant in said draft (Fig. 6: the available "Wam" left is listed under the list of players; col. 6, lines 12-15).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 18, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over PEDS 2002 in view of Gavriloff. The teachings of PED 2002 have been discussed above.

However, PEDS 2002 fails to disclose the step of uploading to a server associated with a web-site an electronic version of at least one team roster for at least one participating team, so that it may be downloaded by at least one said participant.

Gavriloff teaches a server in communication with a plurality of participant client computers via the internet, which allows data, including roster information, to be uploaded to the server in order for the participant to later download the same information from a website (Fig. 1A; Fig. 10; col. 4, lines 58-60; col. 5, lines 3-7; col. 12, lines 31-40).

Therefore, in view of Gavriloff, it would have been obvious to one of ordinary skill in the art at the time the invention was made to upload team rosters to a server in order to save them for easy access and viewing later if a participant forgot which players he or she selected during the draft.

Response to Arguments

11. The drawing rejections (Remarks, page 7) have not been withdrawn. The "attached replacement sheet" has not been received by the Office.
12. The objections of the Specification and Claim Objections (Remarks, page 7) have been withdrawn due to the amendments made by the applicant.
13. The rejections under 35 U.S.C. Section 112, second paragraph (Remarks, page 7) has been withdrawn due to the amendments made by the applicant.
14. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection. See rejections above.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


Art Unit: 3714

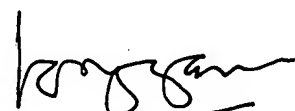
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer Leung
March 5, 2007


KIM NGUYEN
PRIMARY EXAMINER